

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROCHELLE Y. GRAY,

Plaintiff,

v.

ERIC K. SHINESEKI, Department of Veterans  
Affairs,

Defendant.

Case No.: 12-cv-02000 JSC

**ORDER REASSIGNING CASE AND REPORT  
AND RECOMMENDATION TO DISMISS**

This civil action was filed on April 23, 2012. (Dkt. No. 1.) On July 25, 2012, this case was reassigned to the undersigned Magistrate Judge and the Court issued an order requiring Plaintiff to serve Defendant with a copy of the summons and complaint by August 31, 2012. (Dkt. No. 5.) The order also scheduled a Case Management Conference for September 20, 2012. Plaintiff failed to comply with the Court's order regarding service and did not appear for the Case Management Conference on September 20, 2012. (Dkt. No. 8.)

On September 20, 2012, the Court issued an order to show cause as to why this action should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41 based on Plaintiff's failure to serve Defendant in accordance with the Court's order and failure to appear for the Case Management Conference. (Dkt. No. 9.) The Court ordered Plaintiff to submit a written response by October 18, 2012 and appear for a hearing on the order to show cause on October 25, 2012. Plaintiff was warned that failure to comply with the Court's order

1 could result in the dismissal of this action. *See* Fed. R. Civ. P. 41(b). To date, Plaintiff has not  
2 communicated with the Court in any way and she failed to appear at the scheduled order to  
3 show cause hearing.

4 As Plaintiff has neither consented to nor declined the undersigned magistrate judge's  
5 jurisdiction, the Clerk of the Court is ordered to reassign this action to a district court judge.  
6 Based on the foregoing, this Court RECOMMENDS that the newly assigned district judge  
7 DISMISS this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

8 **IT IS SO ORDERED.**

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10 Dated: October 25, 2012

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12 JACQUELINE SCOTT CORLEY  
13 UNITED STATES MAGISTRATE JUDGE  
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United States District Court  
Northern District of California